

REPORT

Of the Select Committee, to whom was referred the petitions of Andrew Jackson, of Thomas Carr, and of George W. Sevier, accompanied with a Bill, for the benefit of Thomas Carr, and others.

Made, and with the Bill, committed to a Committee of the whole House on Monday next

The Committee to whom were referred the petitions of Andrew Jackson in behalf of himself, in right of his wife, and as agent for the heirs and representatives of Colonel John Donelson, deceased, of Thomas Carr, and of George W. Sevier, for himself and the other heirs of John Sevier, deceased,

REPORT:

That it appears that the legislature of Georgia, on the 20th of February, in the year 1784, passed a resolution to appoint commissioners to examine the quantity, quality, and circumstances of the lands, lying in what was called the Bend of Tennessee: that on the following day the same legislature proceeded to appoint seven commissioners for the object contemplated by the previous resolutions, to wit:—Lacklin M'Intosh, jun. William Downes, Stephen Heard, John Morell, John Donelson, Joseph Martin, and John Sevier, esqrs.; it appears to the committee that John Morell failed or refused to act, and that Thomas Napier was appointed by the executive of said state to fill the vacancy, and that on the 1st of March, 1786, Thomas Carr was elected to fill the vacancy occasioned by the failure to act, or resignation of said Thomas Napier; it does not appear that Lacklin M'Intosh, jun. ever acted himself, or that any person was appointed in his place; it appears, that on the 22d of December, 1785, a majority of the commissioners made a report of their proceedings to the legislature, by which, among other things, it appeared that they had made divers appointments, and sold considerable lands, and had granted indulgence for the payments, having taken bonds to a large amount, &c. It further appears, that said commissioners found it necessary, in the execution of the duties assigned them, to expend large sums of money, as well to quiet the Indians resident in that neighborhood, as to bear their own necessary expenses, while thus

employed in a savage wilderness, far removed from all civilized society. The legislature of Georgia, upon this return being so made, by a resolution of that body, dated the 14th day of August, 1786, declared, that each of the commissioners appointed on the Tennessee business, who have actually attended their duty, shall be entitled to five thousand acres of land in the district, (by which is understood, the district of Tennessee) as a gratuity and full compensation for their trouble therein, and shall and may have a warrant of survey for the same to them respectively, &c. It is alleged by Carr and Heard, two of said commissioners, that warrants of survey were issued for them, and the land actually located, but there is no sufficient evidence of that fact to authorize this committee to make such a report. For all this committee can discover, the business rested in the foregoing state until the year 1795, at which time, the celebrated act of the legislature of Georgia, commonly called the Yazoo Act, was passed; that in and by the XVth section of that act, there was expressly reserved out of the sale made to the Tennessee company, fifty thousand acres, to be gratuitously divided share and share alike, between the commissioners appointed to examine the quantity, quality and circumstances of the great Bend of Tennessee, to be held by them as tenants in common, and not as joint tenants, &c. It appears to the committee, that Georgia, in the cession of her western lands to the United States, reserved five millions of acres (for the satisfaction of claims against her) from the United States, and it does appear that the claims of those commissioners constitute as fair a class of cases as could have existed, being wholly unconnected with all those so justly charged as being fraudulent. Upon a review of all the facts connected with the claims of six of these commissioners, to wit. Thomas Carr, the representatives of John Donelson, the representatives of John Sevier, the representatives of William Downes, the representatives of Joseph Martin and Stephen Heard, it is shown that they proceeded to act, and did perform many and dangerous services, and expended much money; that col. Donelson was actually killed while thus employed, and hence that they should be paid, seems not only reasonable, but just. While the committee feel convinced that these persons ought to be paid, they at the same time find much difficulty in proposing the means by which that object should be accomplished. If, as has been alleged by some of the commissioners, the lands originally given to them by the state of Georgia, had been actually located and fixed to some particular place, it would seem that the good faith this government has always heretofore observed, would bind it to give them patents for it; but that does not appear to be the case, and as the government has ordered those very lands for sale, on the first Monday of the present month, it will not be advisable to give them lands in kind. Seeking, however, the best means of doing justice to all parties concerned, this committee would beg leave to suggest, that, in their opinions, it would be well to direct that scrip be issued to the parties for the amount of what is due to them as com-

missioners, at the rate of two dollars per acre, that being the minimum price in cash for public lands, and this scrip so to be issued, be made receivable for any lands to be sold in the Alabama territory. The committee therefore report a bill for the benefit of Thomas Carr and others.

DOCUMENTS
 ACCOMPANYING
THE REPORT OF THE COMMITTEE
 TO
WHOM WERE REFERRED

THE

*The petitions of Andrew Jackson, of Thomas Carr, and of George
 W. Sevier, accompanied with a bill for the benefit of
 Thomas Carr, and others.*

The remonstrance of Andrew Jackson in behalf of himself, in right of his wife, and as agent for the heirs and representatives of Col. John Donelson, deceased, to the honorable the House of Representatives of the United States in Congress assembled, humbly sheweth:

That the legislature of the state of Georgia, on the 20th day of February, 1784, by resolve, laid out a county to include all the lands lying north of the Tennessee River, and included within the territorial limits of said state; that on the 21st day of February, 1784, the said legislature for the state of Georgia, proceeded to appoint commissioners for the purpose of examining the quality and quantity of the lands on the Tennessee River, pursuant to the resolve of the 20th instant, aforesaid, when the following named persons were appointed, viz. Lachlin M'Intosh, jr. William Downes, Stephen Herd, John Morrell, John Donelson, Joseph Martin, and John Sevier, Esqrs. That on the 22d day of February, 1785, the legislature of Georgia did appoint eight justices of the peace for the said District of Tennessee; that on the 22d day of December, 1785; a majority of the aforesaid commissioners reported their proceedings to the legislature of Georgia, showing that they had performed in part the duty assigned them. All which will fully appear, reference being had to the journals of the legislature of Georgia. A copy of all that can be found is hereto annexed, marked A; and to which your remonstrant begs leave to refer you. Your remonstrant further begs leave to show to your honorable body, that the said John Donelson did enter on the duties (as commissioner) assigned him, in the month of March, 1785, and at the hazard of his life, at great expense and fatigue, penetrated a pathless wilderness, to the mouth of Elk River,

on the north bank of the Tennessee River, when, not meeting with any of the other commissions, he left five men with a note for them, and returned to Nashville. These men returning, and reporting that the commissioners had not arrived, he proceeded to Holston to meet them. On arriving, he met a majority of them, and proceeded to the bounds defined, made a board, and opened a land office; when the said John Donelson was appointed surveyor, and as such appointed and agreed with Isaac Taylor, now deceased, to proceed and ascertain the northern boundary of Georgia where it crossed the Tennessee below, and extend it east to the crossing of the Tennessee above. These necessary arrangements being made, the board of commissioners adjourned to meet at the mouth of Elk River, on the 1st day of April, 1786. Your remonstrant states, that Isaac Taylor, under the engagement with Col. Donelson, as surveyor and commissioner, did proceed and ascertain the boundary, agreeable to his engagement. Your remonstrant begs leave further to state, that Col. John Donelson, on his return to Nashville, on the duty assigned him as commissioner and surveyor, aforesaid, was killed by the Indians, and lost all his valuable papers; amongst which were attested copies of all the acts and resolutions of the legislature of the state of Georgia, a copy of their report to the said legislature, and the journals of their proceedings. These being lost, as aforesaid, your remonstrant has been compelled to resort to oral testimony to show that Col. Donelson, in his lifetime, did faithfully perform the duty assigned him, and lost his life in the performance thereof, and does therefore refer you to the affidavits of John Peyton, senr. David Henry, and James M. Lewis, marked B, C, and D, hereto annexed and referred to; from all which it will appear he was justly entitled to his part of the compensation awarded the commissioners by the legislature of the state of Georgia, as contained in their act, passed the 7th day of February, 1795, to the fifteenth section thereof, and hereto annexed, marked E, I beg leave to refer you. Your remonstrant further states, that he has been informed and believes, that there were but five of the seven commissioners, who acted under their appointment.

Those who formed the first board were Stephen Heard, John Donelson, William Downes, and John Sevier. General Joseph Martin being absent, performing some duty assigned him by the government. Therefore, your remonstrant claims, for the heirs and representatives of Col. John Donelson, deceased, one fifth part of fifty thousand acres of land, to be laid out on the north side of the Tennessee River, in what is called the Big Bend thereof. Your remonstrant begs leave to state, that from a memorandum taken by the said John Donelson in his lifetime, and found amongst his papers, he intended his grant to be laid on the north side of the Tennessee River, beginning opposite the head of an island at the commencement of the Big Shoals, running north three miles, thence east up the river for complement.

Your remonstrant cannot believe, that your honorable body will hesitate, the premises considered, (taking into view, that the commissioners appointed to investigate and settle the Yazoo claims, under the act of cession, and the act of the legislature of Georgia, of the 7th of February, 1795, have investigated the claim of your remonstrant, and declared it just, and that it ought to be satisfied,) to grant to the heirs and representatives of the said John Donelson, deceased, the ten thousand acres of land, and locate it above, or at some other point, in the said Big Bend of Tennessee; and to carry into effect, with good faith, that contract which the state of Georgia was willing, and had made with the commissioners, and that justice to the deceased required to be carried into effect; and which by the act of cession from the state of Georgia, the Congress of the United States are pledged, and in good faith bound, to fulfil. Your remonstrant lastly begs leave to state, that the compensation, at the time given, was a mere pittance, compared with the services to be performed, in which was encountered danger, expense, labor, risk; and, lastly, the death of that commissioner, for whose heirs and representatives your remonstrant claims his. The growing value of the land may relieve some of the heirs from want, who, had it not have been for the untimely death of the father, would have been in affluence. The premises duly considered, your remonstrant hopes that your honorable body will direct by law, a grant to be issued for ten thousand acres, on the north side of the Tennessee River, in the Big Bend, thereof, to the heirs and representatives of the aforesaid John Donelson, deceased, and that too, before the sales of the land in this section of country are made, otherwise will put it out of the power of your honorable body to do that justice, for which your remonstrant prays.

ANDREW JACKSON,

For himself and as agent for the heirs and representatives of John Donelson, deceased.

A.

*Legislature of Georgia,**Friday, February 20th, 1784.*

The house proceeded to take up the report of the committee to whom was referred the petition of Mr. Blount, and other citizens of North Carolina, which, after some amendments, was agreed to, and is as follows:

The committee to whom was referred the petition of Mr. Blount, in behalf of himself and other citizens of North Carolina, respecting the expediency of laying out a new county, to include all that tract of land lying on the Tennessee river, which shall be included by a line drawn from the south bank of the said river, where the north west boundary of this state crosses, and running west till it crosses the said river Tennessee again, to the south bank thereof, then up the said south bank of said river, to the place beginning. After having received all the information they could obtain on that subject, are of opinion, it will be necessary, in order to prevent future contests, to take measures as it may be done with propriety, to settle the said tract of country, and do recommend for that purpose, that seven commissioners be appointed, and vested with the powers necessary to ascertain the quantity, quality, and circumstances of the aforesaid lands, and report the same, with their proceedings, to the legislature for their consideration, and to make them such compensation as may be deemed adequate and satisfactory. Provided, notwithstanding, that the said board shall have power, and they are hereby authorized, if they, or a majority of them, may think it necessary, in such manner as to them seems most expedient, to proceed to grant warrants of survey, which shall, when executed, be transmitted with the plats, to the surveyor general's office, in order that the same may pass to a grant as the law directs; Provided, that no one person shall be eligible to hold or obtain a grant for more than one thousand acres of land, and that he or they so obtaining a warrant, shall at the same time, give bond and security to pay into the treasury of this state, at and after the rate of one eighth of a dollar per acre, which sum shall be paid before he, she, or they, shall obtain a grant.

Saturday, 21st February, 1784.

The house proceeded to the appointment of commissioners for examining the quality and quantity of the lands on the Tennessee river, agreeably to a resolve of the twentieth instant, when the following persons were appointed, viz: Lachlin McIntosh, jr. Wm. Downes, Stephen Heard, John Morell, John Donaldson, Joseph Martin, and John Sevier, Esquires.

*Clerk's Office of the House of Representatives,
Legislature of Georgia, December 1, 1815.*

I do hereby certify, that the foregoing resolution of the legislature of Georgia, and the appointment of commissioners for examining the quality and quantity of the lands in the Big Bend of the Tennessee river, are truly copied from the journal of said house of representatives.

Given under my hand, the date before mentioned,

AUGUSTIN S. CLAYTON,

Clerk of the House of Representatives.

Further extract from the journal of the house of representatives of the legislature of Georgia, to wit:

"Tuesday, February 22, 1785.

"A letter from Col. Stephen Heard, dated 22d day of February instant, being laid before the house,

"Resolved, That the several persons therein named, to wit: William Blunt, John Donelson, William Downes, John Sevier, Joseph Martin, Charles Robertson, Valentine Sevier, jr. and Stephen Heard, Esquires, be appointed justices of the peace for the said district of the Tennessee, and that his honor, the governor, do qualify the said Stephen Heard before himself in council, and thereafter grant a commission directed to him, to enable him to qualify the other justices above mentioned, when he shall repair to the said district of Tennessee."

Tuesday, August 1, 1786—(Extract.)

*"That on the 22d of December, 1785, a majority of the commissioners *reported their proceedings to the house, by which, among other things, it appears, that they had made divers appointments, and had granted an indulgence of three years to the purchasers, and have taken bonds to a large amount," &c. &c.*

I, Augustin S. Clayton, clerk of the house of representatives of the legislature of Georgia, do hereby certify, that the foregoing extracts from the journal of said house, are truly copied therefrom.

Given under my hand, this 2d of December, 1815.

AUGUSTIN S. CLAYTON.

*The report here alluded to, has been searched for, but cannot be found.

B.

I, Jonh Peyton, sen. being now in my sixty-third year of age, depose and saith, that some time in the month of March, in the year 1785, as well as this deponent recollects, he went, in company with colonel John Donelson, David Henry, and others, to the mouth of Elk river, then called the Big Bend of Tennessee river, for the purpose of meeting some other commissioners, I understood one or more from the state of Georgia, whose business was to ascertain the north boundary line of the state of Georgia, and to explore the Big Bend of Tennessee, and to fix and truly ascertain some land claims they held in said Bend; but when we arrived at the mouth of Elk river the other commissioners had not come: we waited there some time, expecting the other commissioners, but they not coming, and the mouth of Elk river being a very great resort of Indians at that time, the colonel did not think it safe to stay there with so small a company, as he had concluded it would be safer to leave a few men there and return to Nashville, as a few men might secrete themselves without horses when his company could not. He wrote a few lines to the other commissioners and left with me and four other men, who waited there near a week, and the other commissioners not coming, we returned to Nashville, and informed colonel John Donelson that the other commissioners did not meet. This deponent understood and believes that colonel John Donelson went from Nashville to the Holston country for the purpose of meeting the other commissioners, and this deponent understood and believes colonel John Donelson, as he was returning home in the year 1786, was killed by the Indians, and this deponent never saw colonel John Donelson more from the time he went to Holston to meet the other commissioners: and further this deponent sayeth not.

JOHN PEYTON, Senr.

State of Tennessee, }
Davidson county. }

This day appeared before me, Wilkins Tannehill, a justice of the peace for said county, John Peyton, senr. and made oath that the facts as set forth in the foregoing deposition are just and true, to the best of his knowledge and belief. Given under my hand and seal, this 17th day of October, 1817.

W. TANNEHILL, Jr.
Justice of the Peace.

C.

I, David Henry, being now sixty-four years of age, depose and saith, that in the spring of the year 1785, I was applied to by colonel John Donelson to go with him into the Big Bend of Tennessee to the mouth of Elk river. This deponent agreed to go with him, and started sometime in the month of March from Nashville with colonel John Donelson, and made our way through the wilderness into the Big Bend of Tennessee to the mouth of Elk river, and this deponent understood from colonel John Donelson that he was to meet the commissioners from Georgia at the mouth of Elk river. When this deponent and colonel Donelson, and those that was with him, got to the mouth of Elk river they found no one there, and after waiting some time there, and no one coming, thought it was not safe to stay longer, and this deponent and colonel John Donelson, and those that was with him, started from the mouth of Elk river and made their way back to Nashville, and this deponent understood, and believes that colonel John Donelson went from Nashville to the Holston country for the purpose of meeting the other commissioners: and this deponent understood and believes as colonel John Donelson was returning home, in the year 1786, he was killed by the Indians, and this deponent never seen him since: and further this deponent sayeth not.

DAVID HENRY.

*State of Tennessee, Robertson county,
September 18, 1817.*

This day personally appeared David Henry before me, James Appleton, an acting justice for said county, and made oath of the above deposition as being a positive truth. Sworn to before me, and subscribed, the above mentioned date.

DAVID HENRY.

JAMES APPLETON,
Justice of the peace for the county of Robertson.

*State of Tennessee,
Robertson county.*

I, James Tunstall, clerk of the county court aforesaid, do hereby certify, that James Appleton, Esq. before whom the annexed affidavit was taken, is an acting justice of the peace for said county, duly com-

missioned and qualified as such, and that full faith and credit is due to all his official acts as such.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of my office, this 18th day of September,
1817.

JAMES TUNSTALL,
Clerk of Robertson county court.

State of Tennessee,
Robertson county.

I, John Hutchison, presiding magistrate pro tem. of the county court aforesaid, do certify that James Tunstall, whose signature is to the foregoing certificate, is acting clerk of the county court aforesaid, and that full faith and credit is, and of right ought to be due to his official acts as such.

Given under my hand and seal this 18th day of September, 1817.

JOHN HUTCHISON,
(L. S.) *Presiding magistrate pro tem. of*
Robertson county court.

D.

State of Tennessee.

Personally appeared, J. M. Lewis, of Maury county, before me, William Dooly, one of the acting justices of said county, and made oath in due form of law, that he fell in with the commissioners appointed by the state of Georgia, or a part of them, in Jonesborough, in the year seventeen hundred and eighty-five, on their way down the Tennessee river, to open the land office for what was called the Big Bend of Tennessee river. Some days afterwards he met with colonel John Donelson, (who was one of said commissioners and surveyors of said lands,) at colonel Hutchings's in Hawkins county; and that this deponent went with said Donelson, and a part of the other commissioners, down as low as Chickimoga town where they held talks with the Indians, and opened the land office for said lands in the Big Bend of the Tennessee river, when he (the deponent,) got a deputation from said Donelson as surveyor for said lands, and that the commissioners then, (between the twentieth and twenty-fifth of December, seventeen hundred and eighty-five,) adjourned to meet at the mouth of Elk river on the first day of

April, seventeen hundred and eighty-six: that on the said appointed day, this deponent with two other men, viz: Turner Williams and Argalous Geter, went over the mouth of Elk river on Tennessee river, and staid there a number of days, and the commissioners not meeting, he returned some time in said month to Nashville, and shortly afterwards heard that colonel John Donelson had been killed by the Indians, and upon the deponent going to Kentucky in company with others to know the certainty of his death, found it a fact.

Question. Do you know whether major Isaac Taylor was employed by colonel John Donelson, or the commissioners, to find the line between the states of Georgia and North Carolina, at the lower crossing of Tennessee river; and extend said line east to where it strikes the Tennessee again?

Answer. I went with Taylor the whole of the route from Jonesborough, until we reached Nashville on the sixth day of January, seventeen hundred and eighty-six; that a few days afterwards he went to take the latitude, and believes that he took the same and run the line to Latitude Hill on Elk river, as said Taylor told this deponent, they two being engaged together in business. This deponent is also under the impression that the said Isaac Taylor run the aforementioned line under the orders of colonel John Donelson. Further, this deponent saith not.

Sworn to, and subscribed to, this twenty-ninth day of September, A. D. 1817.

J. M. LEWIS.

WILLIAM DOOLY.

Justice of Peace.

State of Tennessee, Maury county. I, Joseph B. Porter clerk of the court of pleas and quarter sessions for said county, do certify that William Dooly, Esquire, whose signature appears above, is now, and was at the time of signing the same, an acting justice of the peace, in and for said county, and full faith and credit is, and of right ought to be given to his official acts as such.

In testimony whereof, I have hereunto subscribed my name and [L. s.] affixed the seal of my office at office, this 29th of September, 1817.

JOSEPH B. PORTER.

E.

The following is a copy of the 15th section of an act of the legislature of the state of Georgia, passed the 7th of January, 1795,

entitled "An act supplementary to an act, entitled "An act for appropriating a part of the unlocated territory of this state, for the payment of the late state troops and for other purposes therein mentioned, declaring the right of this state to the unappropriated territory thereof, for the protection and support of the frontiers of this state, and for other purposes."

"Sec. XV. *And be it further enacted*, That the said Tennessee Company shall reserve a further quantity of fifty thousand acres to be gratuitously divided, share and share alike, between the commissioners appointed by this state for the purpose of examining the quantity, quality, and circumstances of the Great Bend of Tennessee river, which shall be held by them as tenants in common, and not as joint tenants, and be represented in like manner as the lands reserved by the other companies for the use of the citizens, as a compensation to the said commissioners for their services rendered the state in that capacity."

F.

Georgia.

To the Chairman of the board of Commissioners for the District of Tennessee.

You are hereby authorized and required, to admeasure and lay, or cause to be admeasured and laid out, unto Stephen Heard, five thousand acres of land in the district of Tennessee, agreeably to a resolution of the legislature, as gratuity and compensation for his services done as commissioner, taking special care that the same has not heretofore been laid out to any other person or persons; and you are hereby also directed and required, to record a plat of the same in your office, and transmit copies thereof, together with this warrant, to the secretary general's office.

Given under my hand as entry taken for the district of Tennessee, this 22d of September, 1786.

WILLIAM DOWNS, E. T.

The five thousand above alluded to, is surveyed on the Tennessee river, opposite the Chickasaw Shoals on the Tennessee river.

Also, ten thousand acres on the Tennessee river, a part of the fifty thousand acres reserved to the commissioners, as a full compensation for their services authorized by the law of 1795.

The above not repealed in the recinding law of the state of Georgia, is the opinion of the above Stephen Heard, but is repealed in the opinion of A. H. The commissoners were, Stephen Heard, John Donelson, William Downs, and Gen. John Sevier. The resolutions and acts of the state of Georgia, are recorded in the state, in the federal government of the United States, and in Knoxville, under the superintendence of general Sevier, with all proceedings under them.

G.

Know all men by these presents, That we, the undersigned, heirs and representatives of John Donelson, deceased, do nominate and appoint General Andrew Jackson, our true and lawful attorney in our names and our behalf, to apply for, ask, demand, and receive for us from the state of Georgia, and from the general government of the United States, all the lands that was due to the said John Donelson, deceased, by virtue of an act or resolution of the general assembly of the said state of Georgia; and upon the receipts thereof, acquittance and other discharges for us and in our names or otherwise to make, sign and give, hereby ratifying and confirming, all and whatever he shall do in the premises. In witness whereof, we have hereunto set our hands and seals, this 5th day of October, 1815.

ALEXANDER DONELSON, [L. s.]

JOHN DONELSON, [L. s.]

WILLIAM DONELSON, [L. s.]

SEVERN DONELSON, [L. s.]

ROBERT HAYS, [L. s.]

MARY CAFFERY, [L. s.]

There are nine representatives of John Donelson, deceased, that is, the above named set; the heirs of Samuel Donelson, deceased, Se-vern Donelson, youngest son of the deceased, and myself, in right of Mrs. J.

ANDREW JACKSON.

Received of general Joseph Martin, by the hand of William Blount, a warrant for one hundred pounds, which I am to place to his credit at the time received, to bear interest from that time, as interest is cast to this time on the contract or obligation this day signed by him, for the sum of one hundred and ninety-eight pounds and eight and a half, as one of the original contracts.

J. G. & THOS. BLOUNT.

Fayetteville, December 10, 1789.

Fayetteville, December 21st, 1789.

Received of Joseph Martin, by the hand of Thomas King, my own note for seventy dollars and three fourths of a dollar, each dollar equal to twelve shillings, paper money. My note bore date, February 8th, 1786. For this sum I engage to account with John G. & Thomas Blount for the said Martin, in part pay to them for the said Martin's part of the Tennessee goods.

WM. BLOUNT.

The Commonwealth of Virginia, To Landon Carter and John Sevier, Esqrs. Gentlemen—GREETING:

Know ye that we, trusting to your faithful and provident circumspection in examining William Blount, Esq. as a witness, as well on behalf of Joseph Martin, defendant, as Mordecai Hords, Esq. plaintiff, command you, or any two or more of you, that at such days and places as you shall appoint, you assemble, yourselves and the witness aforesaid, before you, or any two or more of you; you call and cause to come, and dilligently examine him on the Holy Evangelists of Almighty God; and his examination into the county court of Henry, distinctly and plainly, without delay, you shall send and certify, inclosed; returning also to us this writ. Witness, John Cox, clerk of our said county court, at the Court House, the 9th day of August, 1791, and in the 16th year of the commonwealth.

JOHN COX, Clerk.

*Territory of the United States of America, south
of the river Ohio, Washington County.*

The deposition of William Blount, governor of the said territory, appeared before us the subscribers, the said William Blount, and being duly sworn to declare the truth, the whole truth, and nothing but the truth, touching and concerning a suit depending in the court of the county of Henry, in the commonwealth of Virginia, in which the executors of Mordecai Hord are plaintiffs, and Joseph Martin is defendent, as far as he knew: He, the deponent, declared and

said (neither plaintiff, or defendent, or attorneys for either, appearing to examine or cross examine) that what he hath heard of the suit, was from a letter written to him by the defendent, Joseph Martin, giving him, the deponent, to understand that the suit was respecting a share of some Tennessee lands, by him, the defendent, sold to said Mordecai Hord in his life time, and that it was suggested on the part of the executors, that he, the defendent, never had obtained any right to such lands, but made pretence that he had to take in the unwary purchaser. The deponent further deposeth and saith, that all that he knows respecting the claim of Joseph Martin, the defendent, to any Tennessee lands, is in substance, as follows:

That in the year 1783, or 1784, he, the deponent, submitted proposals to the legislature of the state of Georgia, on the part of the said Joseph Martin and others, he believes seven others, to purchase and settle that tract of land, called the Bend of Tennessee; that the legislature of the state of Georgia, thereupon appointed certain commissioners to explore, and issue warrants of survey for the said lands, to the parties proposing to purchase the same, of whom Joseph Martin was one; the particulars of which will more fully appear by having recourse to the doings of the legislature of the said state of Georgia, the deponent not being at present in the possession of a copy. The deponent further deposeth and saith, that he has been informed, and verily believes, that the said commissioners did proceed to explore the said tract of country, and to grant warrants of survey for the whole, or part; that surveys were made accordingly, and every necessary step taken for obtaining the grants from the state of Georgia, and that the governor of Georgia declined to sign the same, for reasons unknown to the deponent. The deponent further deposeth and saith that the said Joseph Martin and associates, have been at great trouble and expense, in endeavoring to obtain a grant from the state of Georgia, for the said Bend of Tennessee, which they had every just reason to expect from the acts and doings of the legislature of the state of Georgia, upon the proposals before mentioned, being submitted by the deponent as aforesaid, on the part of the defendent and others: and further saith not.

WM. BLOUNT.

Sworn to before us at Jonesborough, the 17th day of August,
1791.

S. CARTER, J. P.

JOHN SEVIER, J. P.

State of Tennessee,

Maury county.

Personally appeared James M. Lewis, before me, William Dooly, one of the acting justices of said county, and maketh oath in due form of law as follows, to wit: that in the year 1785, about the months of September or October, he, the said deponent was on his way from the state of North Carolina to Nashville, and at Jonesborough in the state of Tennessee, he met with the Georgia commissioners, say, John Sevier, John Donelson, William Downs, and Stephen Heard, and was informed by some one of the commissioners or more, that colonel Joseph Martin had been there, who was also one of the commissioners, but was then gone to Georgia on some business with the Indians, respecting of holding a treaty with them; and that the other commissioners before mentioned, John Sevier, John Donelson, and William Downes, proceeded down to the Bend of the Tennessee near Chickimagy, where they opened an office for said lands, agreeable to law passed by the legislature of the state of Georgia; and that said office was opened in the month of December, 1785, between the twenty and twenty-fifth of said month, and issued warrants, and that William Downs was entry taker, and I believe that John Donelson was surveyor; and the commissioners held a talk with the Cherokee Indians, and the said Indians appeared to be dissatisfied and cross, and on account of this dissatisfaction, colonel John Sevier delivered them a quantity of goods and salt. And the deponent further deposeth, that after giving them the goods and salt, that the Indians appeared to be more friendly, and that the said commissioners then broke up, and appointed to meet at the mouth of Elk river, on the first day of April, 1786, and I believe, went to Georgia. And the deponent further says that he believes the reason Stephen Heard did not go down to the Bend of Tennessee with the rest, was that he was taken sick and was in low state of health; and further this deponent states, that in the month of March on the 25th day, 1786, that he, the deponent in company with two other men, went to the mouth of Elk river, say Turner and Williams and Argulus Geter, and stayed there until the 4th of April, and finding the commissioners did not meet according to appointment, that he, the deponent and the others did then return to Nashville; and further, he hath always understood that they, the commissioners never did attend agreeable to their appointment; and the deponent further states, that the reason the commissioners broke up, was that there was three or four hundred men, and that they intended to make a settlement in said Bend, and a number of farming tools was taken along to raise corn, &c. but was doubtful that we should not be permitted to do the same in safety, as the Indians were still cross and apparantly ill-natured, but expected by spring we should be sufficiently strong in number to make a settlement. And in the month of January or February, 1786, that major Isaac Taylor, with the said quadrant that the commissioners had, that he.

went on to the north bank of Tennessee on the northern boundary of the state of Georgia; and that he there took the latitude and run due east until he struck Richland creek of Elk river, in order to ascertain the extent of said Bend. But this deponent does not know certainly, that the said Isaac Taylor was employed by said commissioners; and the deponent being asked was Joseph Martin considered to be one of the commissioners, says he believes he was, as it was frequently understood, and said he would sanction the business done by the other commissioners. And the deponent further states, that Zachariah Cox went on with some others to ascertain where the northern boundary line of Georgia would strike the Mississippi, and believes that he was employed by the commissioners to do the same or some one of them. And the deponent further sayeth not.

Sworn to, and subscribed before me this 15th day of April, 1817.

J. M. LEWIS.

W. DOOLY,

Justice of the Peace.

*State of Tennessee,
Maury county.*

I, Joseph B. Porter, clerk of the court of pleas and quarter sessions for said county do certify, that William Dooly, Esquire, whose signature appears within, is now, and was at the time of signing the same, an acting justice of the peace in and for said county, and all due faith and credit is, and of right ought to be given to his official acts as such.

In testimony whereof, I have hereunto subscribed my name [L. s.] and affixed the seal of my office, at office, this 15th day of April, 1817.

JOSEPH B. PORTER.

*State of Tennessee,
Maury county.*

I, James T. Sanford, presiding magistrate of the court of pleas and quarter sessions for said county do certify, that Joseph B. Porter, whose name appears in attestation of the above certificate, is the clerk of said court of pleas and quarter sessions for said county; that all faith and credit is due his official acts as such, and that his said certificate is in due form of law.

Given under my hand and seal at Maury aforesaid, this 11th April, 1817.

JAMES T. SANDFORD, [L. s.]

Presiding magistrate, Maury county.

Interrogatories propounded to Zachariah Cox, on the part of the heirs of John Donaldson and John Sevier, commissioners appointed under the resolution of the legislature of Georgia, of February 21st, 1784.

1. Who were the commissioners appointed under the resolution of the legislature of Georgia, of February 21st, 1784, and did any, and which of them act in the said commission?

2. What duties did the said commissioners perform, and to what extent did they discharge the duties imposed upon them by the said commission?

3. Did the said commissioners, or did they not, open a land office in that part of the said state, or issue any land warrants in pursuance of the said resolution of February, 1784, or any subsequent resolution?

4. Where were the land warrants issued by them recorded, and did the said commissioners take bonds from the persons in whose favor the said land warrants were issued?

5. Did or did not the said acting commissioners undergo great hardships, incur great expense, and expose themselves to great danger in the discharge of the duty imposed upon them, and was any remuneration ever made to them for their services and disbursements by the said state except by a promised grant of lands?

6. Were not other persons proposed as commissioners besides those afterwards appointed under the said resolution?

7. Were the 50,000 acres of land reserved in favor of the commissioners in the fifteenth section of the act of Georgia of 7th January, 1795, ever located by metes and bounds? If yea, where were the same located?

1. To the first interrogatory I answer,—To the best of my present recollection the commissioners appointed in virtue of the resolution of the state of Georgia of 21st of February 1784 were, John Donaldson, John Sevier, William Downs, Stephen Heard, John Bowin, Lacklin M'Intosh, and John Morel, as will more clearly appear by reference to the said resolution.

2. To your 2d, 3d, 4th, and 5th interrogatories I answer,—To the best of my present recollection a majority of the said commissioners, viz. John Donaldson, John Sevier, William Downs, and Stephen Heard, in autumn, A. D. 1785, attended west of the Appalachian mountains and formed a board, and from thence after making the necessary preparations, proceeded down the Holstein and Tennessee rivers, in company with a considerable number of men, myself amongst the latter, whom they had, upon the faith of the state of Georgia, employed to accompany and guard them down the river, and assist them in their operations, to what I was informed was the Bend of Tennessee, and which they named the county of *Houstoun*, lying within the then chartered limits of the state of Georgia, where they proceeded to issue land warrants, to be located within the said Bend

of Tennessee, or county of *Houstoun*; and at the same time taking bonds for the payment of one eighth of a dollar per acre for the said lands, from the persons in whose favor such land warrants were issued. I myself received a land warrant and gave my bond, together with my particular friends, Thomas Gilbert and William Neas. After the said commissioners had transacted their business they returned, and I was informed, made a report of their proceedings to the state of Georgia, which appeared to be so far sanctioned by the legislature, that it appears they passed a resolution allowing to said commissioners a compensation of 5000 acres of land, each, for their services, and to Mr. John Cole 3000 acres of land, as a compensation for his services, who was employed by said commissioners to take the latitude of the northern boundary line of the state of Georgia, and to accompany the commissioners on their route. I can only judge from experience, their expense, fatigue, and risk, in attending them, which was very considerable, for which I do not know that they ever did or have received any compensation further than the promise of lands, as previously stated.

3. To your 6th interrogatory I reply,—that I was informed one of the commissioners, who never acted, viz. John Morel, resigned, in whose place colonel Thomas Carr was appointed, as will appear by subsequent resolutions of the said legislature, and also took an active part with the aforesaid commissioners, and who was also appointed chairman of their board, for the purpose of keeping a record of their proceedings, and a record of certain land warrants, by them issued, and such locations as were made under their authority. In virtue of the said warrants colonel John Donaldson, who was one of the acting commissioners, I was informed was afterwards killed by the Indians, in the execution of his duty.

4. To your 7th interrogatory I answer,—at the particular request of William Downs, Stephen Heard, John Sevier, Stokely Donaldson, (son of John Donaldson,) and Lacklin M'Intosh, to the best of my present recollection, I assigned them the land which they claimed under the said act, by making special location, approved by them, in the Tennessee purchase; the precise spots I do not at present recollect, for want of my papers.

ZACHARIAH COX

*Prince William County,
State of Virginia.*

Be it remembered, that on this twentieth day of January, in the year of our Lord one thousand eight hundred and eighteen, before us, the subscribers, justices of the peace for the county and state aforesaid, personally appeared, Zachariah Cox, the deponent above named,

who being by us duly sworn according to law, did depose and say, that the replies to the preceding interrogatories by him made, are just and true to the best of his belief and recollection.

DAVID BOYLE.

JOHN BRONAUGH.

*Prince William County,
State of Virginia.*

I hereby certify, that John Bronaugh and David Boyle, whose names are above subscribed, were duly commissioned magistrates on the day and year, and for the county and state aforesaid.

In testimony whereof, I have hereunto set my hand, and af-
[L. s.] fixed my seal of office, the day and year first above writ-
ten.

Virginia,

Prince William County, to wit:

I, Philip D. Dawe, clerk of the court of the county aforesaid, do hereby certify, that David Boyle and John Bronaugh, gentlemen, whose names are within subscribed, are justices of the peace in and for the county aforesaid, duly commissioned and qualified, and that to all their acts as such, due faith and credit is and ought to be given, as well in courts of justice, as thereout.

In testimony whereof, I have hereunto set my hand, and af-
[L. s.] fixed the seal of the said county, this twentieth day of
January, eighteen hundred and eighteen.

PHIL. D. DAWE.

Washington, July 3d, 1817.

Col. William Martin,

Dear Sir,

Yours of the 28th May came to hand yesterday, and I am sorry I have it not in my power to give you the information you want. I had letters from your father and colonel Donaldson on that subject, with a copy of my brother William's petition, on behalf of the company, and the resolution of the assembly of Georgia, and I think a copy of the report of the commissioners, all of which were sent to col. Stokely Donaldson, about the year 1796, when he said

there was a prospect of selling the claim of the Bend of Tennessee Company to advantage; since then, I have heard nothing on the subject.

The firm of John and Thos. Blount, furnished goods in 1784 to a large amount, to extinguish the Indian title, which were delivered to colonel Jos. Martin, and, I understood, appropriated to that use; and a letter I have, from my brother William, dated December, 1785, then at Hopewell, says, "I have not heard from the Georgia commissioners since their arrival at the Bend of Tennessee; I should suppose their report might be found amongst the Georgia records, or perhaps amongst the papers of the then governor; or surely the sons of colonel John Donaldson must know what was done."

The accounts and claim of John G. & Thos. Blount against the company, of which I was one, were put into the hands of my brother William, to settle with your father and others, concerned, and I believe a settlement did take place with your father, and probably amongst the papers of one of them that may be found,

I am, with respect,

Your most obedient,

J. G. BLOUNT.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled, the Petition of Thomas Carr respectfully sheweth,

That your petitioner, previous to any sale or disposition of the lands lying in the Bend of the Tennessee, (in the now Mississippi territory,) by the state of Georgia, to wit, in the year 1786, was duly appointed, in pursuance of a legislative resolution, one of a board of commissioners, for examining the quantity and quality of said lands, as will appear by a certificate of said appointment hereto annexed. That your petitioner, together with others of his associates, performed the duties assigned them at the imminent peril of their lives; one of them indeed, having been killed by the Indians before the termination of the service; and, for the purpose of compensating them therefor, the legislature of the said state, as will appear by the documents annexed, appropriated to each of them five thousand acres of land in the Bend of the said river, then called the District of Tennessee. That independent of the said 5,000 acres, your petitioner held surveys in the said Bend made for various persons, to the amount of 15,000 acres more, which were the property of your petitioner, and the plats whereof, as well as the book of records

of plats in the said district, were delivered by your petitioner, to Richard Henry Wilde, Esq. in the month of November last, to be brought on to Washington, for the purpose of substantiating your petitioner's claims, and the claims of others; and the same, while in the care of said R. H. Wilde, were lost by accident.

Your petitioner further sheweth unto your honorable body, that the state of Georgia, by various acts, resolutions, and other proceeding, have recognized the justice and validity of your petitioner, and his associates' claims, and of the titles acquired in the said district, as will appear by the various vouchers referred to, or accompanying the statement hereto annexed. That in the sale of said lands to certain companies, in 1795, by the state of Georgia, commonly called the Yazoo sale, fifty thousand acres, were expressly reserved in the Tennessee company's purchase, to be divided between your petitioner and his fellow commissioners, share and share alike, for their services. And that the claims of your petitioner and his associates, not being derived under the said act, nor having any connexion with the said sale, are not within the provisions of the "act for the indemnification of certain claimants of public lands in the Mississippi territory," although said claims, as your petitioner humbly conceives, are much less fair and meritorious than his own, to which last, indeed, having been for services actually performed, or for surveys fairly acquired and actually made, in pursuance of existing laws, and when the title of Georgia was perfect, your petitioner is not conscious any valid objection can be urged. He, therefore, humbly prays of your honorable body, such relief as the nature of his case may require, and as to you shall seem meet.

THOMAS CARR.

By his agent,

R. H. WILDE.

(Copy.)

In the Beaver Island Surveys.

No. 1.	Walter Childs,	-	-	-	-	1,000 acres.
2.	Francis Bacon,	-	-	-	-	1,000 do.
3.	Walter C. Carr,	-	-	-	-	1,000 do.
4.	William Bacon,	-	-	-	-	1,000 do.

In the High Rocks Surveys.

No. 3.	Charles Carr,	-	-	-	-	1,000 acres.
4.	Thomas Carr, jr.	-	-	-	-	1,000 do.
5.	Thomas Ellis,	-	-	-	-	1,000 do.
6.	Thomas C. Childs,	-	-	-	-	1,000 do.

In Little River Surveys.

No. 1.	Peter Wruther,	-	-	-	-	1,000 acres.
2.	William Stilth, jr.	-	-	-	-	1,000 do.
3.	Godfrey Zimmerman	-	-	-	-	1,000 do.
4.	Wm. & H. Bacon,	-	-	-	-	1,000 do.
	Thomas Carr Sevier,	-	-	-	-	1,000 acres
	on island in the Tennessee.					

In Elk River Surveys, at the mouth of Elk.

No. 1.	Robert Middleton,	-	-	-	-	1,000 acres.
2.	Rice Collins	-	-	-	-	1,000 do.

I do hereby certify on honor, that the original surveys, to the purport and effect above, as nearly as I can recollect, together with a record book of plats, belonging, as I understood, to the business of the commissioners, mentioned in the foregoing petition, were delivered to me by said Thomas Carr, in the city of Augusta, in the month of November last, and were lost in my trunk, which was stolen in the said month, between Augusta and Washington city.

Given under my hand at said city, this 18th January, A. D.
1816.

RICHARD HENRY WILDE,

Executive Department, Georgia.

"In Council, Augusta, 1st March, 1786.

"Pursuant to a resolution of the legislature, passed the 20th of February, 1784, the board proceeded to elect a commissioner on the Tennessee, in the room of Thomas Napier, Esq. he being appointed in the room of John Morel, Esq. by the executive, bearing date the 26th day of April, 1785, when Thomas Carr, Esq. was duly elected."

*Executive Department, Georgia.**Milledgeville, 14th December, 1815.*

I, Anthony Porter, one of the secretaries of this department, do hereby certify and make known, that the above extract from the minutes of the executive council of this state, is truly copied from the record book in this office.

Given under my hand, and the seal of the executive department, the date above mentioned.

ANTHONY PORTER, *Secretary.*

Georgia.

*To the Chairman of the Board of Commissioners,
for the district of Tennessee.*

You are hereby authorized and required to admeasure and lay out, or cause to be admeasured and laid out, unto Thomas Carr, Esq. five thousand acres of land in the district of Tennessee, agreeable to a resolve of the legislature, as a gratuity and compensation for his services done as a commissioner, taking especial care that the same has not heretofore been laid out to any other person or persons; and you are hereby also directed and required to record a plat of the same in your office, and transmit a copy thereof, together with this warrant, to the surveyor general's office of this state.

Given under my hand as entry taker of the board of commissioners, this 22d day of September, 1786.

A true copy taken from the original.

WM. DOWNS, *E. T.*

Alexandria, Columbia County, Jan. 4th, 1816.

Hon. Richard H. Wilde,

Dear Sir,

This will be accompanied by a packet enclosing the several resolutions of the former general assembly of this state, respecting the laying out the lands in that tract of country called the Bend of Tennessee.

You will observe that these proceedings took place under the constitution of 1777, when the legislature of the state of Georgia was composed of one branch only, called the house of assembly, and sometimes house of representatives.

The first resolution upon the subject, bears date the 20th February, 1784, and which is the foundation of all the subsequent proceedings thereon: the second resolve, which took place the 21st February, 1784, was for the appointment of the commissioners, in which resolution you will find the name of John Morell, whose vacancy I afterwards filled, as you will see by the certificate of my appointment.

The third resolution bears date the 22d February, 1785, for the appointment of justices of the peace for said district.

The next proceedings in order of time, is in February 1786, when a report in part was made by the commissioners; but it is a misfortune that none of these old papers can be found; it is supposed that in removing the records from Augusta first to Louisville, and then to Milledgeville, that they were left behind, and lost or destroyed.

Next comes Mr. Porter's report, &c. which bears date in August, 1786, and which is followed by the introduction of a bill by judge Walton, and its final rejection; but what follows after, in the fourth and fifth resolves, is very material. They confirm the proceedings of the commissioners, and say, in express terms, that each of them shall have five thousand acres of land, as a compensation for their services, &c.

All these proceedings were prior to the adoption of the federal constitution, when the state had sovereign power. So far extends the resolves.

The only acts of the general assembly of Georgia which recognizes these proceedings are, first, an act for suppressing the violence of Indians, passed 31st October, 1787; see section 10, in the proviso; and as the act mentions the people of Franklin, it may not be thought amiss for me to inform you, that at the time of the passage of the said act, all that part of North Carolina, which is now the state of Tennessee, was called the state of Franklin, and John Sevier the governor thereof. The proviso under consideration, sets apart and provides for all the surveys which had been made by the authority of the commissioners, of which surveys you had the book containing the plats recorded by me as chairman of the board of commissioners, according to their order.

The next act, which recognizes the commissioners only, is the one under which the Yazoo company's claim, passed the 7th January, 1795.—In section 15, of the said act, a reserve is made in the Tennessee company's part, of fifty thousand acres of land, to be divided among the commissioners, share and share alike. This ends all the legislative proceedings that has taken place upon the subject, which I hope will be sufficient to prove the justice of my claim to compensation as a commissioner, and also for the lands which I had

surveyed in the Bend of Tennessee, the plats of which I likewise forwarded with you. The other commissioners are all dead, and I fear that I shall not long survive them, as I am getting old.

Colonel John Donelson, one of the commissioners and surveyors, was killed by the Indians, as I was informed, when he was on his way to join me in the Bend of Tennessee, in 1786, in prosecuting the duties of our office. Colonel William Downs removed about sixteen or seventeen years past to the Mississippi, and took with him the commissioner's books, wherein their proceedings were recorded, and he is dead several years. General Martin is dead, as I have understood: the honorable John Sevier died lately in the Creek nation, and colonel Stephen Heard died in October last;—who their representatives are, I know not, but hope that they, or some friend for them, will come forward and join me in our claims.

I shall leave it with yourself and my other friends in Congress, from this state, to make use of my name in such manner and way as you think proper, so as to bring the matter before the commissioners, or before the honorable Congress by petition, or in any other way that may seem right. This letter will answer for a statement, to which my friends can have reference. I have no news worth writing—Cotton continues at about 23 to 24 cts.

If you have heard any thing of your lost trunk and papers, please inform me when you write. May the heavens bless you.

Adieu my friend.

THOMAS CARR.

P. S. I forwarded you a letter covering my appointments, &c. about ten days ago, which I hope you have received.

State of Georgia.

By his excellency David B. Mitchell, governor and commander in chief of the army and navy of this state, and the militia thereof.

To all to whom these presents shall come:

Know ye, that Augustus S. Clayton, Esq. who certifies the annexed extracts from the journal of the house of representatives, is clerk of that branch of the general assembly of this state.

Therefore, all due faith, credit, and authority are, and ought to be had and given to his certificate as such.

In testimony whereof, I have hereunto set my hand and caused the great seal of this state to be put and affixed.

Done at the statehouse in Milledgeville, this fourteenth day of December, in the year of our Lord, eighteen hundred and [L. S.] fifteen, and of the independence of the United States of America, the fortieth.

By the governor.

A. HAMMOND.

Secretary of the state.

House of Assembly, state of Georgia.

Twentieth February, 1784.

The committee to whom was referred the petition of Mr. Blount, in behalf of himself and other citizens of North Carolina, respecting the expediency of laying out a new county to include all that tract of land lying on the Tennessee river, which shall be included by a line drawn from the south bank of said river, where the northwest boundary of this state crosses, and running west till it crosses the said river Tennessee again to the south bank thereof, then up the said south bank of said river to the place of beginning. After having received all the information they could obtain on that subject, are of opinion, it will be necessary, in order to prevent future contests, to take measures as soon as it may be done with propriety, to settle the said tract of country, and do recommend for that purpose, that seven commissioners be appointed and vested with the powers necessary to ascertain the quantity, quality, and circumstances of the aforesaid lands, and report the same with their proceedings to the legislature, for their consideration, and to make them such compensation as may be deemed adequate and satisfactory; provided, notwithstanding, that the said board shall have power, and they are hereby authorized, if they, or a majority of them, may think it necessary in such manner as to them seems most expedient to proceed to grant warrants of survey, which shall, when executed, be transmitted with the plats to the surveyor general's office, in order that the same may pass to a grant as the law directs: provided, that no one person shall be eligible to hold or obtain a grant for more than one thousand acres of land, and that he or they so obtaining a warrant shall, at the same time, give bond and security to pay into the treasury of this state, at and after the rate of one eighth of a dollar per acre, which sum shall be paid before he, she, or they shall obtain a grant, that ——— be, and they are hereby appointed justices for said district, that the said board shall be authorized to nominate militia officers, who shall be commissioned by his excellency the governor.

February the twenty-first.

The house proceeded to the appointment of commissioners for examining the quantity and quality of the lands on the Tennessee river, agreeable to a resolve of the twentieth instant, when the following persons were appointed, viz: Lacklin M'Intosh, jun. William Downes, Stephen Heard, John Morel, John Donaldson, Joseph Martin, and John Sevier, Esqrs.

Twenty-second February, 1785.

A letter from colonel Stephen Heard, dated the 22d February, inst. being laid before the house, resolved that the several persons therein named, to wit: William Blount, John Donaldson, William Downes, John Sevier, Joseph Martin, Charles Robertson, Valentine Sevier, jun. and Stephen Heard, Esquires, be appointed justices of the peace for the said district of the Tennessee, and that his honor the governor do qualify the said Stephen Heard before himself in council, and thereafter grant a commission directed to him, to enable him to qualify the other justices abovementioned, when he shall repair to the said district of Tennessee.

Monday sixth February, 1786.

The committee appointed to bring in a bill for laying out a county on the Tennessee, within this state, brought in the same, which was read the first time.

Tenth February, 1786.

A return of the commissioners of the district of Tennessee was read. Ordered, that the same be referred to the committee, and that Mr. Few, Mr. Fort, and Mr. C. Crawford be that committee.

Fourteenth February, 1786.

The committee to whom was referred the proceedings of the Tennessee commissioners, reported.

First of August, 1786.

The committee, to whom was referred the motion of Mr. Porter, declaring it to be expedient, in order to prevent disputes in future, to settle the country in the Bend of the Tennessee, and for which purposes commissioners were appointed to ascertain the quantity, quality, and circumstances of the land, with powers to grant warrants of surveys not exceeding one thousand acres to an individual, on purchase at one eighth of a dollar per acre; at the same time a committee was appointed to bring in a bill for enacting the same into a law, but your committee do not find that they ever made a report. It appears, however, that the house on the next day proceeded to the appointment of commissioners, expressly for the purposes above mentioned: that on the 22d December, 1785, a majority of the commissioners reported their proceedings to the house, by which, among other things, it appeared they had made divers appointments, and had granted an indulgence of three years to the purchasers, and have taken bonds to a large amount; that on the 7th of February, 1784, the petition of William Blount, Richard Caswell, Griffith Rutherford, with sundry other citizens from North Carolina, was presented to the house, setting forth among other things that they had made a purchase of lands on the Tennessee, said to be within the limits of this state, and praying that the state will lay out the same into a county, and grant out the same by lawful authority; that the committee aforesaid reported in the same month, which was adopted by the house, and a bill was brought in, but your committee cannot find that it ever progressed to any effect. That your committee recommend that the house review these proceedings, and consider whether it be now proper to lay the said district out into a county. Your committee suggests to the house that as the northern boundary must be the dividing line between this state and South Carolina, it cannot be ascertained until the dispute subsisting is determined, but which can be obviated by avoiding the slip of land which lies between the sources of the Keowee and Tugulo, the proximity of which plainly appears by the chart herewith exhibited. By the communications which have been made to your committee, it appears that numbers of persons from the neighboring states are about to make settlements on the land, and from the idea of the right of occupying vacant territory, which, if founded, calls for the immediate interposition of government. Upon the whole, therefore, your committee advise that leave be given to bring in a bill for the object of the motion.

Ordered, That leave be given, and that the same committee do prepare and bring in the same.

Seventh of August, 1786.

Mr. Watton, from the committee appointed on the motion of Mr. Porter, presented, according to order, a bill to be entitled "An act for laying out a district in the Bend of Tennessee," which was read the first time.

Eighth of August, 1786.

A bill to be entitled "An act for laying out a district in the Bend of Tennessee," was read the second time.

Saturday, 12th of August, 1786.

On the third reading of the bill a motion was made that the bill to be entitled "An act for laying out a district in the Bend of Tennessee," be rejected, and on the question for the rejection, it passed in the affirmative, yeas 26, nays 23.

Resolved, That the title of any person or persons whatsoever, to any lands in the district of Tennessee, so far as the same is sanctioned or authorized by former resolutions of assembly, shall not in any respect be weakened or injured by the rejection of this day of the bill for laying out a district, nor shall the power or duty of the commissioners who have acted on that business be at all revoked or impaired, but every thing in respect to the said Tennessee district, shall stand precisely upon the same footing as if the said bill, so rejected as aforesaid, had not been brought in. And it is further resolved, That John Linsey, Esq. stand appointed surveyor for the said district of Tennessee.

August the 14th, 1786.

Resolved, That each of the commissioners appointed on the Tennessee business, who have actually attended their duty, shall be entitled to five thousand acres of land in the district, as a gratuity and full compensation for their trouble therein, and shall and may have a warrant of survey for the same, to them respectively. That John Call shall also be entitled to three thousand acres, as a compensation for his trouble, and may have a warrant of survey for the

same. And it is further resolved, That the district surveyor shall not proceed to make, or suffer to be made, any surveys in the Bend of Tennessee, until the further order of the legislature.

I, Augustin S. Clayton, clerk of the house of representatives, and keeper of the public records of that branch of the general assembly, do hereby certify that the above and foregoing, (contained upon four full pages and part of the fifth,) are true extracts from the journals deposited in my office; and I further certify, that there is no seal of my office.

Given under my hand this 13th of December, 1815.

AUGUSTIN S. CLAYTON,

*Clerk of the house of representatives of the
state of Georgia.*

Alexandria, (Geo.) December 19th, 1815.

R. H. Wilde, Esq.

Dear Sir,

Your favor of the 2d inst. I received by yesterday's mail, in which I am informed of the loss of your trunk and its contents: I regret it as much for the injury that others may feel in the loss of the books and papers which I forwarded by you, as for myself; and am truly sorry for your individual loss. Perhaps, if some reward was offered for the papers, they might be returned, or so brought to light, as that they could be recovered, as they cannot be of use to any but the owners.

With respect to my claims on the Tennessee river, which amounts to twenty thousand acres, fifteen surveys of one thousand acres each, and my commissioner's claim of five thousand, my surveys, which I delivered to you are in the names following, viz.

In the River Island Surveys.

No. 1.	Walter Childs,	-	-	-	-	1000 acres.
2.	Francis Bacon,	-	-	-	-	1000
3.	Walter C. Carr,	-	-	-	-	1000
4.	William Bacon,	-	-	-	-	1000

In the High Rocks Surveys.

No. 3.	Charles Carr,	-	-	-	-	1000 acres.
4.	Thomas Carr, jun.	-	-	-	-	1000
5.	Thomas Ellis,	-	-	-	-	1000
6.	Thomas C. Childs,	-	-	-	-	1000

In Little River Surveys.

No. 1.	Peter Wruther,	-	-	-	-	1000 acres.
2.	William Stilth, jun.	-	-	-	-	1000
3.	Godfrey Zimmerman,	-	-	-	-	1000
4.	Wm. H. Bacon,	-	-	-	-	1000
Thomas Carr, (myself) 1000 acres, an island in Tennessee.						

In Elk River Surveys, and at the Mouth of Elk.

No. 1.	Robert Middleton,	-	-	-	-	1000 acres.
2.	Rice Collins,	-	-	-	-	1000

The several distinctions above are laid down in order to show the lying of the land surveyed in the year 1786, by Zachariah Cox, who was at that time a deputy surveyor under colonel John Donelson, appointed by the board of commissioners, for that purpose.

With respect to your recommendation of general John Sevier, I think highly of it; but should his representatives (for I know not who they are) not think proper to come forward, perhaps I should by delaying, be deprived of my right unless I should go forward, or some one other of the commissioner's representatives (for they are all dead except myself) should bring the matter before Congress.

I have lately understood that the gallant general Jackson is now at the city of Washington; if so, he will no doubt feel an interest in colonel John Donelson's claims, as I understand his lady is a daughter of the colonel. If he would come forward in behalf of colonel Donelson's claims, and his fellow commissioners, I should be much more hopeful upon the business, as I think his influence would add great strength thereto, and I will in a few days from this forward to

you a full and complete copy of all the several resolutions, duly certified, and the acts of the legislature of this state, which has any bearing thereon, *with remarks*.

Enclosed I have sent you a copy in due form of my appointment as commissioner, and will for the present not go more into detail—but must trouble you upon another matter of business, viz. Some time in March or April last, Joel Crawford, Esq. addressed a letter to me, from Milledgeville, as he saith, covering an execution in my name, vs. Horatio Marbury, which had formerly issued from the inferior court of Richmond county, accompanied with an order made by judge Harris, for the *fi. fa.* to be amended by the court in Richmond.

This letter has never come to hand, nor can any one of the post-masters in this quarter give any account thereof: I apprehend it has been missent to Columbia in South Carolina, (as I have had some heretofore take that course) and from the length of time, that it may have been returned to the general post office: will you be so good as to make the necessary search, and inform me? The execution is levied upon valuable property, and the property claimed, and a first trial had, before the *wisdom* of the *judge* was *discovered*, and if I cannot get the *fi. fa.* I fear that I shall sustain a considerable loss.

Our legislature broke up on Saturday last; they have occupied much of their time in trying to disgrace the judges; finally passed some sort of a vote of censure upon them, which amounts to nothing. They have established a state bank, which seems to be the most important of their acts, and repealed the alleviating law, &c.

News of Augusta—cotton, 21 to 22 cents.

David Pace in Ballard's boat, with 500 bales of cotton, was consumed by fire, some eight or ten nights past, and some heavy suits brought against David and Thomas Pace, and Ballard, for the amount, which is estimated at 50,000 dollars; this will shake their loose change, if recoveries go against them, of which, it seems, there is but little doubt.

I herewith enclose you a copy of my commissioner's warrant, which I have taken from a copy thereof, which I retained in my office, if it should be necessary to be made use of, and the other papers, I shall forward as soon as captain Carr arrives from Milledgeville, where he waited to get them regularly certified. I expect him every day.

I am, dear Wilde,

Yours, &c.

THOMAS CARR.

To the honorable the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the undersigned, George W. Sevier, for and in behalf of himself and the other heirs and representatives of the late John Sevier, deceased, respectfully sheweth:

That the said John Sevier, together with Lachlan M'Intosh, jr. William Downes, Stephen Heard, John Donelson, Joseph Martin, and John Morel, were appointed, under a resolution of the state of Georgia, passed on the 21st February, 1784, commissioners to examine the quantity, quality, and circumstances of the Great Bend of the Tennessee river: That on the resignation, and in lieu of the said John Morel, Thomas Kerr was subsequently appointed on the said commission: That the said commissioners, with the exception, as your memorialists have been informed, of Lachlan M'Intosh and Joseph Martin assumed the discharge of the duties imposed upon them, by the said resolution, and in the years 1784 & 1785, under circumstances of great danger and hardship, proceeded to the Great Bend of the Tennessee river, where they ascertained the northern boundary line of the state of Georgia—opened, in pursuance of the said resolution, a land office, and issued sundry warrants: That while engaged on this perilous commission, John Donelson lost his life from the hostility of the Indians: That in the month of April, 1786, the surviving commissioners made a report of their proceedings to the legislature of Georgia, and the said legislature, by their resolution of April 14th, 1786, expressed their approbation of the conduct of the said commissioners, by directing to be laid off for each commissioner who had actually attended to his duty, 5,000 acres, and for a certain John Call, 3,000 acres of land: That the said legislature also commissioned the said J. Sevier and others, to act as justices of the peace in that part of the state which they had explored: That neither the said J. Sevier, nor any of the said commissioners, were ever paid, or received from the said state of Georgia, any pecuniary compensation for their toils and services aforesaid, or any reimbursement for the losses they had sustained, or the expenses they had incurred: That in consequence of the hostility of the Indians, and the unsettled state of the Georgia frontier, the grant above named was never patented by the said state; but the claim of the said commissioners to indemnification, and their right to the said grant was again recognized by the legislature of said state, on the 7th of January, 1795, when the act, commonly called the Yazoo act, was passed: That by the said act, a tract of 50,000 acres was directed to be reserved for the satisfaction of the commissioners aforesaid, and your memorialist confidently asserts, that whatever may be doubts and prejudices existing upon the validity of the said act, neither the said John Sevier, nor any of the said acting commissioners, were chargeable with having exercised undue means to obtain

the said reservation in their favor; but on the contrary, the said grant ought to be considered as the voluntary and unbiased expression of the sense of the said legislature, on the importance of the said commissioners' services: That independently of the toils and perils they had endured, they sustained a heavy pecuniary loss, from the necessity they were under of supplying themselves with arms, ammunition, and provisions, and of employing a large party of men as a guard, during the aforesaid excursion: That under such circumstances, your memorialist conceives, that the said commissioners, or their representatives, are justly entitled to a confirmation of the said grant, and that their claim is fairly embraced, and protected by the articles of cession executed between the United States and the state of Georgia.

Your memorialist further represents, that the said reservation of 50,000 acres was duly made and located under the said act, and that a deed was executed to the said John Sevier, by Zachariah Cox, for his proportion thereof, which deed has been duly recorded in the office of the Secretary of State, at Washington. Your memorialist, therefore, prays that the tract of land so conveyed to the said John Sevier, may be confirmed to his heirs by the act of your honorable body, and that such further or other relief on the premises may be granted to your memorialist, and the other heirs of the said John Sevier, as to your honorable body may seem meet, and the justice of their case may require. And as in duty bound he will ever pray, &c.

G. W. SEVIER,

For himself and the other heirs
and representatives of John
Sevier.

Washington County, District of Columbia, ss.

On this tenth day of December, in the year 1817, before me the subscriber, a justice of the peace of the said county and district, personally appeared George W. Sevier, the memorialist above named, and made oath that the facts and statements in the above memorial contained, are founded on the information he received from his father John Sevier, in his life-time, and from others, and that he believes the said facts and statements to be true.

R. C. WEIGHTMAN.